

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STEVEN B. BARGER, an individual,

Civil Case No. EDNY: 1:17-cv-04869-FB-LB

Plaintiff,

Civil Case No. 1:18-mc-00010-SJD-SKB

v.

FIRST DATA CORPORATION, et al.,

Defendants.

DEFENDANTS' MOTION TO SHORTEN TIME FOR KELLY TO REPLY

Defendants First Data Corporation, Frank Bisignano, Dan Charron, Anthony Marino, Karen Whalen, and Rhonda Johnson respectfully submit this Motion to Shorten the Time for Julie Kelly to Reply to ECF Nos. 24 and 25.

1. On October 2, 2018, Kelly filed a Rule 72 Objection (ECF No. 24) to the Court's September 19, 2018 Order (ECF No. 21), which had granted Defendants' Motion to Compel.
2. Defendants filed their opposition (ECF No. 25) on October 5, 2018.
3. The Local Rules provide that a party may file a reply to an opposition within 14 days of service. Thus, pursuant to the Local Rules, Kelly's reply memorandum is due by October 18, 2018.
4. However, the Court's Order dated September 19, 2018 (ECF No. 21) compels Kelly to appear for her deposition on October 15, 2018.
5. Accordingly, Defendants request that any reply to their opposition be shortened to a period of five days and be filed by 5 PM on Wednesday, October 10, 2018. Defendants must make travel arrangements for the October 15, 2018 deposition of Kelly and need to know whether the deposition will proceed as compelled by the Court.

Respectfully submitted,

/s/ Matthew R. Byrne

Matthew R. Byrne (0082228)

JACKSON LEWIS P.C.

PNC Center, 26th Floor

201 E. Fifth Street

Cincinnati, Ohio 45202

Telephone: (513) 898-0050

Facsimile: (513) 898-0051

Email: matthew.byrne@jacksonlewis.com

Local Counsel for Defendants

Of Counsel:

Gillian A. Cooper, Esq. (admitted *pro hac vice*)

650 College Road East, Suite 4000

Princeton, New Jersey 08540

T: (609) 452-5021

Gillian.Cooper@saul.com

Attorneys for Defendants

Dated: October 5, 2018

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on the following
via regular mail and electronic mail:

Julie Kelly
823 Dorgene Lane
Cincinnati, Ohio 45244

I hereby certify that a true and correct copy of the foregoing was served on the following
via electronic mail:

David A. Zeitlin, Esq.
Zeitlin & Zeitlin, P.C.
50 Court Street, Suite 506
Brooklyn, New York 11201
T: (718) 522-5644
david@zeitlinlawfirm.com
Attorneys for Plaintiff

Shawn E. Shearer, Esq.
The Law Office of Shawn Shearer, P.C.
3839 McKinney Avenue, Suite 155-254
Dallas, Texas 75204
T: (214) 434-1594
shawn@shearerlaw.pro
Attorneys for Plaintiff

/s/ Matthew R. Byrne
Matthew R. Byrne

Dated: October 5, 2018